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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,612	04/15/2004	Dan C. Renziehausen	Ren-0401	7868
36787	7590	12/19/2005	EXAMINER	
BLYNN L. SHIDELER THE BLK LAW GROUP 3500 BROKKTREE ROAD SUITE 200 WEXFORD, PA 15090			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,612

Applicant(s)

RENZIEHAUSEN, DAN C.

Examiner

Charles N. Greenhut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**I. Information Disclosure Statement**

1. It is unclear how LEKHOLM (US 4,840,186 A), which teaches an Implantable multi-pole coaxial lead, is relevant to the claimed invention.

**II. Claim Objections**

1. Claim 5 is objected to because the numeral 44 is used to represent the “plurality of sheaves” and “a final vertically mounted sheave.”
2. Claim 5-8 are objected to because they include reference characters which are not enclosed within parentheses. Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

**III. Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 6-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 6 and 7 recite the limitation “said sheave(s).” Parent claim 5 provides antecedent basis for “a plurality of sheaves” and “a final vertically mounted sheave.” Further references should be consistent with this language. E.g., -two of said plurality

of sheaves-, -a first of said plurality of sheaves-, -a second of said plurality of sheaves-.

- 1.2. Claim 7 recites “a fifth said sheave vertically mounted.” It is unclear whether this limitation refers to the already included “final vertically mounted sheave.” If so, the element should be recited as, -said final vertically mounted sheave-.

#### **IV. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-3 is/are rejected under 35 U.S.C. 102(b) as being anticipated by GALBREATH (US 4,840,532 A).

1.1. With respect to claim 1, GALBREATH discloses a vehicle frame (21), hoist frame (75), lift cylinder (38), and extension frame (20).

1.2. With respect to claim 2, GALBREATH discloses a vehicle frame (21), hoist frame (75), lift cylinder (38), and extension frame (20).

1.3. With respect to claim 3, GALBREATH additionally discloses a cable (68)

#### **V. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 4-8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over GALBREATH (US 4,840,532 A).

1.1. With respect to claim 4, GALBREATH teaches a cable anchor attached to the container. It would have been obvious to one of ordinary skill in the art to attach the cable anchor of GALBREATH to the extension frame in order to connect the extension frame to a cable for actuation.

1.2. With respect to claim 5, GALBREATH additionally teaches the cable reeved around a plurality of sheaves (62)/(64), and vertical sheave (67).

1.3. With respect to claim 6, GALBREATH teaches one sheave on the hoist frame, two on the primary extension frame and two on the secondary extension frame. It would have been obvious to one of ordinary skill in the art to modify the location of the sheaves of GALBREATH as necessary in order to obtain the desired mechanical advantage.

1.4. With respect to claim 7, GALBREATH teaches wrapping the cable around the sheaves at 90 or 180 degrees (Fig. 2). It would have been obvious to one of ordinary skill in the art to modify GALBREATH with the desired engagement circumference in order to obtain the desired traction or mechanical advantage.

1.5. With respect to claim 8, GALBREATH teaches a cylinder (81) on the main frame attached to the extension frame. It would have been obvious to one of ordinary skill in the art to modify GALBREATH with an additional cylinder in order to increase the


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amount of force produced to actuate the extension frame, thereby enabling manipulation of an increased load.

**VI. Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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